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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,640	02/24/2004	Sebastian M. Mundry	SHEE 2 00024	2393
27885	7590	12/30/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP			LOPEZ, FRANK D	
1100 SUPERIOR AVENUE, SEVENTH FLOOR			ART UNIT	
CLEVELAND, OH 44114			PAPER NUMBER	

3745

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/785,640	Applicant(s) MUNDY ET AL.	
	Examiner F. Daniel Lopez	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,5 and 7-19 is/are rejected.
- 7) ☐ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/5/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

Claims and 13-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13 last 3 lines (emphasis added) "each said unit ...adapted to transmit information concerning the identity of said respective valve by said information element" is confusing, since it appears that the unit does not transmit the information via the information element. Suggest that "by" be replaced by --generated by--or --from--.

Claims not specifically mentioned are indefinite, since they depend from one of the above claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 10-14, 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stoll et al. Stoll et al discloses an electro-pneumatic assembly comprising a plurality of valves (part of 19, 23), each disposed in a respective recess in a common valve body (e.g. fig 1), and engaged by a respective actuator (part of 19, 23); a bus type digital interface type data transmission system (28) providing communication between a control unit (27) and each of a plurality of reader units (32, 33) each in communication with a respective one of a plurality of transponder type information elements (column 4 line 9-22), wherein each of the information elements is proximate to and adapted to identify the respective valve.

Claims 8 and 9 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Stoll et al. Stoll et al discloses all the elements of claims 8 and 9, but does not specify that the reader unit and the information element are sealed in casting compound. Inherently, electronic elements are sealed in casting compound, to protect them from the environment. Since the reader unit and the

information element are electronic elements, they would be inherently sealed in casting compound. If not, it would have been obvious at the time the invention was made to one having ordinary skill in the art to seal the reader unit and the information element in casting compound, for the purpose of protecting them from the environment.

Claims 1, 2, 5, 7, 11 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Edwards et al (see discussion below).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 2, 4, 5, 7-14, and 17-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Watanabe et al in view of Mead et al and Edwards et al. Watanabe et al discloses an electro-pneumatic assembly comprising a plurality of valves (each in a respective electropneumatic regulator system 10, fig 1 and 2), each disposed in a respective recess in a respective valve body (part of 22), and engaged by a respective actuator (part of 22); a bus type digital interface type data transmission system (14, e.g. column 4 line 6) providing communication between a master control system (12) and each of a plurality of local control systems (26, 28), wherein each of the local control units includes a transmitting module and a receiving module, and is able to transmit information concerning the identity of the respective valve (ID address, see e.g. fig 3); but does not disclose that the assembly is an electro-hydraulic assembly; that each of the respective valve bodies are in a common valve body having respective recesses for the

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valves; that there is a plurality of reader units, each in communication with a respective one of a plurality of transmitter or transponder type information elements, wherein each of the information elements is proximate to and adapted to identify the respective valve, and in respective second recesses in the valve body and sealed thereon; wherein each reader unit includes a transmitting module and a receiving module.

Mead et al teaches, for an electro-pneumatic hydraulic assembly comprising a plurality of hydraulic valves (in 45 not shown), each engaged by a respective actuator (part of 44, not shown); a bus type digital interface type data transmission system (16, 18, e.g. column 4 line 37-42) providing communication between a master control system (connected to 24) and each of a plurality of local control systems (22); the equivalence of being either an electro-pneumatic assembly and an electro-hydraulic assembly (e.g. column 3 line 67); that the respective valve bodies are each in a respective first recess (located in 44, not shown), in a common valve body (all of the elements 1, 44 assembled into a common body, fig 1), and the local control units are each in a respective second recess (6), in the common valve body (1, 44) and sealed.

Since the systems of Watanabe et al and Mead et al are functionally equivalent in the piston art; it would have been obvious at the time the invention was made to one having ordinary skill in the art to make the electro-pneumatic assembly of Watanabe et al an electro-hydraulic assembly; to locate each of the respective valve bodies of Watanabe et al in a respective first recess, in a common valve body, and locate each of the local control units of Watanabe et al in a respective second recess, in the common valve body and sealed, as taught by Mead et al, as a matter of engineering expediency.

Edwards et al teaches, for an electro-hydraulic assembly comprising a plurality of hydraulic valves (e.g. 30C), each engaged by a respective actuator (controlled by 76); a bus type digital interface type data transmission system (44) providing communication between a master control system (42) and each of a plurality of local control systems (e.g. 30B); that each of the local control systems includes a reader unit (84), which includes a transmitting module and a receiving module, and is in communication with a transmitter type information element (88), adapted to identify the respective valve (and rest of the local unit).

Since the modified Watanabe et al doesn't show all of the details of the local control system and Edwards et al does; it would have been obvious at the time the invention was made to one having ordinary skill in the art to make the local control units of Watanabe et al include a reader unit, which includes a transmitting module and a receiving module, and is in communication with an information element, adapted to identify the respective valve, as taught by Edwards et al, as a matter of engineering expediency.

Conclusion

Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez
Primary Examiner
Art Unit 3745
December 23, 2005